

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN RAINFORD,

Defendant.

18-Cr-289 (SHS)

MEMORANDUM ORDER

SIDNEY H. STEIN, U.S. District Judge.

On October 29, 2020, this Court denied defendant Ryan Rainford's motion for a reduction in his sentence under the compassionate-release statute, 18 U.S.C. § 3582(c)(1)(A). (Mem. Order, ECF No. 323.) Rainford now renews his motion, citing the heightened prevalence of COVID-19 at FCI Fort Dix, and requests appointment of counsel and immediate release on bond pending the motion's resolution. (Def.'s Mot. at 1, 3.) Because Rainford fails to show "extraordinary and compelling reasons" warranting release, 18 U.S.C. § 3582(c)(1)(A)(i), and because the factors set forth in 18 U.S.C. § 3553(a) weigh heavily against a sentence reduction, his motion is denied.

Rainford renews his motion "based on changes that have occurred since his previous motion," namely, the "current coronavirus outbreak [at] FCI Fort Dix." (Def.'s Mot. at 2.) Defendant is correct to note that the COVID-19 situation at Fort Dix has worsened since his initial motion, as it has at correctional institutions across the country during the current nationwide surge in cases and deaths. The Bureau of Prisons reports 15 active inmate COVID-19 cases out of 2,739 total inmates at Fort Dix, a number that, though serious, pales in comparison to some of the more severe current outbreaks in the federal prison system. *See COVID-19 Cases*, Fed. Bureau Prisons, <https://www.bop.gov/coronavirus/> (last updated Dec. 15, 2020) (listing 23 correctional institutions with at least 100 active inmate cases).

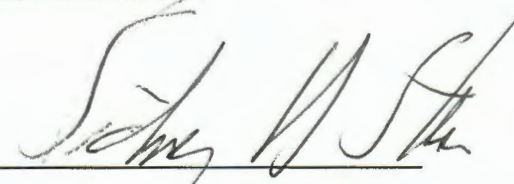
Moreover, "[n]umerous courts," including this Court, "have found that the risks posed by the pandemic alone do not constitute extraordinary and compelling reasons for release." *United States v. Nwankwo*, No. 12-Cr-31 (VM), 2020 WL 2490044, at *1 (S.D.N.Y. May 14, 2020); *see also United States v. Davis*, No. 12-Cr-712 (SHS), 2020 WL 4573029, at *1 (S.D.N.Y. Aug. 7, 2020). Though advanced age, serious health conditions, and other individualized risk factors may contribute to such a showing, Rainford is 31 years old and has demonstrated no such "extraordinary and compelling" individual circumstances warranting early release.

Additionally, as was true when Rainford filed his initial motion, the section 3553(a) factors “weigh heavily against a sentence reduction here.” (Mem. Order at 2.) For years, Rainford acted as a recruiter and then a manager in massive trip-and-fall schemes operating in New York City. (Presentence Investigation Report (PSR) ¶ 17.) He defrauded numerous business owners and insurance companies through lawsuits seeking damages for staged accidents. Moreover, he did so by preying on the needy, recruiting indigent “patients” to stage falls and then undergo medically unnecessary procedures so that he and his co-defendants could profit off their ensuing fraudulent claims. (*Id.* ¶ 21.) These procedures carried substantial risks, with at least one “patient” nearly dying during her needless surgery. (*See id.* ¶ 53.) In January 2020, this Court sentenced Rainford to 68 months’ incarceration and three years’ supervised release, a downward variance of over eight years from his Sentencing Guidelines range of 168 to 210 months. (*See* Sentencing Tr. at 19:13-14, ECF No. 19.) As of defendant’s renewed motion, he has served just 10 months—approximately 15%—of this sentence. Allowing Rainford release after less than a year would fail to “reflect the seriousness of the offense,” provide “just punishment,” or “afford adequate deterrence.” 18 U.S.C. § 3553(a)(2)(A)-(B).

Accordingly, IT IS HEREBY ORDERED that Rainford’s renewed motion for compassionate release is denied on the grounds that no extraordinary and compelling reasons exist for a sentence reduction and the section 3553(a) factors weigh against early release. His motions for appointment of counsel and immediate release on bond are denied as well. The Clerk of Court is directed to mail a copy of this Order to Mr. Ryan Rainford [85592-054], FCI Fort Dix, Federal Correctional Institution, P.O. Box 2000, Joint Base MDL, NJ 08640, and note the mailing on ECF.

Dated: New York, New York
December 15, 2020

SO ORDERED:



Sidney H. Stein, U.S.D.J.